

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	8:10-cr-00205-LSC-FG3
	)	
JUAN CRUZ-GOMEZ,	)	TRIAL ORDER
	)	
Defendant.	)	

The defendant's September 21, 2010 trial was cancelled, at the request of the defendant, upon the representation that the defendant intended to enter a change of plea. The plea hearing was set for October 4, 2010. As of 3:00 p.m. on October 1, 2010, counsel have not provided the court with copies of the Petition to Enter a Guilty Plea, a copy of the plea agreement, or a copy of any charging document not yet on file. The parties were advised in the September 15, 2010 order (#22) scheduling the plea hearing that failure to supply these documents at least two (2) working days in advance of the plea proceeding would cause the plea hearing to be cancelled. Since counsel have not provided the court with any of the documents necessary to prepare for the plea hearing,

**IT IS ORDERED:**

1. The plea hearing set for October 4, 2010 before the undersigned is cancelled, and this case is returned to the active trial docket.
2. This case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **October 26, 2010 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant must be present in person
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), I find that the ends of justice will be served by returning this matter to the active trial docket and outweigh the interests of the public and the defendant in a speedy trial. The time arising as a result of the granting of the motion, i.e., the time **between today's date and October 26, 2010** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

**DATED October 1, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett, III**  
**United States Magistrate Judge**